

### **Rule 13. Finding of probable cause.**

1. Based upon the complaint and all relevant evidence presented in the reports of any investigation conducted by the commission or referred to in documents and memoranda in the respondent's response and supporting documents, the commission shall make a finding of whether there is a reasonable probability the evidence available for introduction at a formal hearing could clearly and convincingly establish grounds for disciplinary action against the justice or judge named in the complaint.
2. If the commission makes a finding that such a reasonable probability does not exist, the commission shall dismiss the complaint. The commission may issue a letter of caution accompanying its dismissal.
3. A finding of probable cause authorizes the executive director to designate a prosecuting attorney who must sign under oath a formal statement of charges against the justice or judge.